King County	Department of Adult and Juvenile Detention All Divisions General Policy Manual
	Chapter 1 **Administration and Personnel Management**

1.07.005 – Potential Impeachment Reporting	Approved By:	Director John Diaz
	Effective Date:	February 14, 2022
	Reviewed By:	PRC, PAO
	Review Date:	January 27, 2022

Purpose
To establish a procedure for Brady Rule/potential impeachment reporting.

Policy
It is the policy of the department to assist the Prosecuting Attorney's Office in meeting the obligations under Brady v. Maryland (the Brady Rule) by reporting potential impeachment information for employees who may be government witnesses.

References
Department Policy: 1.03.008, Employee Code of Conduct

Definitions
Brady Rule: Under the United States Supreme Court case of *Brady v. Maryland* (1963), the prosecution must disclose all exculpatory evidence to the defendant in a criminal case.
Sustained: The allegation is supported by sufficient factual evidence.

DISCLOSURE OF POTENTIAL IMPEACHMENT AND CrR 4.7 INFORMATION:

1. **IIU Investigations:** The Internal Investigations Unit (IIU) shall notify the King County Prosecuting Attorney's Office (KCPAO), in the following situations:
   A) <u>Dishonesty</u>:
      1. Senior management sustained a finding of misconduct relating to dishonesty.
      2. An arbitrator has reversed the findings of misconduct relating to dishonesty.
      3. Senior management has reversed the finding of misconduct related to dishonesty at a Loudermill meeting or during a grievance process.

   B) <u>Criminal Charges and Convictions</u>:
      1. The employee is charged with a criminal offense.
      2. The criminal charges are declined, dismissed, or a verdict of not guilty is entered.

C) <u>Experts</u>: The employee is an expert witness and senior management has sustained a finding that the employee's performance or conduct has compromised the employee's ability to serve as an expert witness.

D) <u>Discrimination</u>: Senior management has sustained a finding for any other conduct that suggests bias against a class of people (e.g., race, ethnicity, age, sexual orientation, gender, disability, economic status, other personal characteristic).

2. **Notification to KCPAO by IIU**: The notification shall be in writing but may be done by email. The notice shall include the name of the employee and the finding or charge. If the prosecutor asks for documents or further information, the IIU commander will respond to the prosecutor's request.
3. **In-Lieu-of Actions/Agreements**: It is not necessary to have a sustained finding of misconduct that would constitute potential impeachment information to trigger the notification requirement. If the underlying conduct would constitute potential impeachment information if sustained, notification may still be required when the employee resigns, retires, or separates from service in lieu of disciplinary action, and when the department demotes or transfers the employee in lieu of disciplinary action or due to Brady concerns.
4. **Current or Ongoing Investigations**: Notice may be given prior to the completion of the internal investigation, when there is a reasonable probability, the accusation will be sustained. The IIU commander shall consult with the director in making a determination whether such information is subject to disclosure to KCPAO.
5. **Internal Notifications:** The IIU commander shall notify the employee's division director, division commander, and the DAJD human resources manager when potential impeachment information has been forwarded to a prosecutor.
6. **Employee Notifications**: DAJD HR will notify employees in writing if their name has been forwarded to the PAO in compliance with this policy. This will be done generally at the conclusion of the investigation. Employees whose name was forwarded prior to the conclusion of an investigation will be notified via the Notice of Investigation (NOI).